

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

KENNETH WAYNE BIRMINGHAM,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-08-673-D
)	
JUSTIN JONES, Director, <i>et al.</i> ,)	
)	
Respondents)	

ORDER

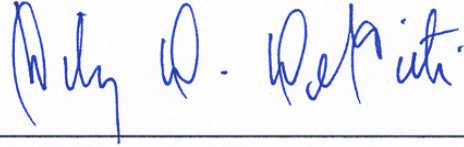
This matter is before the Court for review of the Supplemental Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1) on August 22, 2008. Judge Purcell recommends that the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus be transferred to the United States District Court for the Northern District of Oklahoma pursuant to 28 U.S.C. § 2241(d).

Petitioner has filed a timely objection to the Supplemental Report stating simply that he “believes he would be just as well served with this Honorable Court.” *See* Objection [Doc. No. 11]. Notwithstanding this objection, the Court finds upon *de novo* consideration of the transfer issue that justice would be better served by adjudication of the Petition in the judicial district encompassing the state court where Petitioner’s convictions were entered. Petitioner points to no circumstance in this case that warrants deviation from the Court’s usual practice.

IT IS THEREFORE ORDERED that the Supplemental Report and Recommendation [Doc. No. 9] is adopted in its entirety. This action is transferred to the United States District Court for the

Northern District of Oklahoma.

IT IS SO ORDERED this 2nd day of September, 2008.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE